

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JARRYD ALYAS CISNEROS,

Plaintiff,

v.

UNKNOWN MIRELES, et al.,

Defendants.

Case No. 1:22-cv-312

HON. JANE M. BECKERING

ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Mireles, Allen, and Barton filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 16). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 22) on October 11, 2023, recommending that this Court grant the motion and that Plaintiff's claims against Defendants Mireles, Allen, and Barton be dismissed without prejudice for failure to exhaust administrative remedies. In addition, the Magistrate Judge recommended that an appeal of this matter by Plaintiff would not be in good faith. The Report and Recommendation was duly served on the applicable parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 22) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants Mireles, Allen, and Barton's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 16) is GRANTED. Defendants Mireles, Allen, and Barton are terminated from this action.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections to the Report and Recommendation. *See McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: November 13, 2023

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge